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DLA PIPER LLP US P. O. BOX 2758 RESTON, VA 20195			ANDERSON, FOLASHADE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/770,502	MCDANIEL ET AL.
	Examiner	Art Unit
	FOLASHADE ANDERSON	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 October 2009.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 and 30-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-28 and 30-31 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

1. This office action is made FINAL in response to Applicant's submission filed on 10/01/2009.

Claims Status

2. Currently, claims 1-28 and 30-31 are pending. Claim 29 is canceled. Claims 30 and 31 are newly added. Claims 1-28 have been amended.

Requirement for Information under 37 CFR 1.105

3. Applicant's response to the 37 CFR 1.105 request is acknowledged.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 10/01/2009 was considered by the Examiner in the prosecution of the claims in the instant application. It is noted that only 4 documents were listed on the IDS; while, roughly 10 documents were submitted to the office.

Response to Amendment

5. Applicant's amendments to the specification at page 5 and the cancellation of claim **29** are sufficient to overcome the claims objection set forth in the previous office action.

6. Applicant's amendments to claim **1** are sufficient to overcome the 35 USC 101 rejection set forth in the previous office action.

7. Applicant's amendments to claims **8, 10, 12, 14, 16, 18, 20, 22, 24 and 26** are sufficient to overcome the 35 U.S.C. 112, second paragraph rejection set forth in the previous office action.

Response to Arguments

8. Applicant's arguments filed with respect to the 35 USC 112, second paragraph rejection of claim 9 have been fully considered but they are not persuasive. Applicant argues "Applicants have amended claim 9 in order to over come this rejection," see remarks page 16. While it is true Applicant has amended the limitation to remove the objectionable term "transient individual space level" in at least one location of the claim; Applicant has neglected to completely remove the term from the claim. The term previously appeared twice in the claim after the amendment it appears once; therefore the rejection is maintained.

9. With respect to Applicant's arguments made with regards to the 35 USC 102(b) rejection set forth in the previous office action; Applicant has not clearly pointed to an error in the applied reference. . It is therefore assumed that the art of record taught all the limitations of the previously presented claims.

Applicant must point out disagreements with the Examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them

10. It is noted that the applicant did not challenge the officially cited facts in the previous office action(s) therefore those statements as presented are herein after prior art. Specifically it has been established that it was old and well known in the art at the time of the invention that:

- compare at least one planned or at least one potential yield to the actual yield (claim 6)
- summarizing the total number of spaces sold at a pricing level (claim 13)
- repeat the Brumelle equation in terms of the function space (claim 15 and 17)

Allowable Subject Matter

11. Claims **8, 10, 12, 14, 16, 18, 20, 22, 24 and 26** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claim **9** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The claim uses the undefined term “transient individual space

level" thus rendering the claim indefinite. For purposes of examination the term is interpreted to mean non-group rooms.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This claim has been amended to recite several options for setting the bounds. The last two setting options listed are followed by an "or" and the final option is "any combination thereof." As currently recited there appears to be a conflict between the first use of "or" and the "any combination thereof," since it appears that the user may either set the value of group function space greater than or equal to 0, and less than or equal to 1; or set the value of space protection to greater than or equal to 0, and less than or equal to the amount of individual space available, but cannot set both. For purposes of examination the claim will be read without the first "or."

Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 1-5, 7, 9, 11, 17, 25, 28 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al (A Taxonomy and Research Overview of Perishable – Asset Revenue Management: Yield Management, Overbooking and Pricing, 1992) in view of Gliozzi et al. (US Patent 7,430,518 B2)

Claim 1

Lawrence teaches a computerized method for calculating at least one potential optimum yield for at least one space, comprising:

- Calculating, by a processor, at least one potential optimum yield that includes both at least one transient yield from the transient individual space and at least one group yield from the group individual space and the group function space, wherein the calculating comprises (**Lawrence – p. 835 table 1 further in the context of Lawrence air travel all customers are transient therefore any non-group customer would be the equivalent of the claim transient and p.836, section 4.9 -4.10**);
- determining constraints related to the at least one space (**Lawrence - p. 838, section 4.14; “pick a fixed allocation q^* prior to reserving the first customer, know that it will not be changed later for any reason”**);
- determining bounds related to the at least one space (**Lawrence - p. 838, section 4.14; “pick a fixed time t^* prior to reserving the first customer and accept all request prior to t^* , know that it will not be changed later for any reason”**)
- identifying which past demands for the at least one space should have been accepted in order to optimize the at least one potential optimum yield, subject to the constraints and the bounds (**Lawrence – p. 838, section 4.14; “select a (q, t) decision rule . . . prior to the first reservation”**); and

- determining the at least one potential optimum yield utilizing the at least one set of past demands (**Lawrence – Figure 2 p. 837 and p. 838, section 4.14**
“monitor everything continuously and decide when to curtail reservations”
where it is implied that the decision to curtail is based on the rules set forth in step "c".).

Lawrence does not teach obtaining at least one set of past demands including both past group demands for the at least one configurable space, the at least one space comprising transient individual space, group individual space, and group function space

Gliozi teaches in an analogous art obtaining at least one set of past demands including both past group demands for the at least one configurable space, the at least one space comprising transient individual space, group individual space, and group function space (**Gliozi – col. 2, lines 5-8 and col. 3, lines 49-55; where the different category labels described by the prior art are equivalent various space types of the instant claim**)

Both Lawrence and Gliozi teach airline reservation of perishable aircraft space which is analogous to the perishable hotel space of the instant claim un light of the specification. It is held that the calculations of Lawrence are capable of incorporating the variables of Gliozi, since the variable type (i.e. historic variable of Gliozi versus the current variables of Lawrence) do not change the underlying calculation of the potential optimum yield. In other words the calculation is performed the same regardless of the label given to the variable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence the obtaining at least one set of past demands including both past group demands for the at least one configurable space, the at least one space comprising transient individual space, group individual space, and group function space as taught by Glipzzi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 2

Lawrence and Gliozzi teach all the limitations of claim 1 and Lawrence further teaches wherein the identifying is performed using at least one mixed integer linear programming technique (**Lawrence - p. 841 "the model uses binary decision variables in a linear integer programming formulation."**)

Claim 3

Lawrence and Gliozzi teach all the limitations of claim 1 and Lawrence further teaches wherein the at least one potential optimum yield comprises revenue (**Lawrence p. 831 "we propose to replace the term yield management with a new, more appropriate term perishable asset revenue management" therefore it is inherent that all revenue management calculations are equivalent to old and well known yield management thus the yield is revenue.**)

Claim 4

Lawrence and Gliozzi teach all the limitations of claim 1 and Lawrence further teaches wherein the at least one potential optimum yield comprises profit (Lawrence p. 833 “**throughout this paper . . . the terms profit and contribution almost synonymously . . . if contribution is maximized, then profit is maximized**” and p. 835 “**this extension of traditional yield management . . . it is possible to make pricing and allocation decision jointly in the hope of improving profit**”).

Claim 5

Lawrence and Gliozzi teach all the limitations of claim 1 and Lawrence further teaches comprising assigning at least one small value as a cost of at least one transient upgrade, and including the at least one small value in the at least one transient yield (Lawrence – p.840, see “**Brumelle et al**” equation in second col.).

Claim 7

Lawrence and Gliozzi teach all the limitations of claim 1 and Lawrence further teaches determining at least one upper bound transient constraint, the at least one upper bound transient constraint ensuring that more transient individual space than available is not assigned (Lawrence p. 835, “**the threshold curve for limiting the number of discounted items made available**” and figure 1, p. 835 and p.837 **section 4.12**).

Claim 9

Lawrence and Gliozzi teach all the limitations of claim 5 and Lawrence further teaches determining at least one transient upgrade constraint that ensures that at least one assigned transient individual space level is at least as high as at least one

requested transient individual space (**Lawrence – figures 1 and 2 and p.840, see “Brumelle et al” equation in second col.**)

Claim 11

Lawrence and Gliozzi teach all the limitations of claim 1 and Lawrence further teaches determining at least one transient yield constraint, incorporating transient individual space yield information (**Lawrence - p. 838, section 4.14; “pick a fixed allocation q^* prior to reserving the first customer, know that it will not be changed later for any reason”**).

Claim 25

Lawrence and Gliozzi teach all the limitations of claim 1 and Lawrence further teaches determining at least one upgrade function space constraint that ensures that transient upgrades and group upgrades are not given when not necessary (**Lawrence – p. 840, section 5.5, “probability γ of an upgrade if a customer is denied a discount seat; and Brumelle et al equation second col., p. 840.”**)

Claim 28

With respect to **claim 28** which is the system used to implement the method of claim 1 and is therefore inherent in the method as such the claim is rejected based upon the same rationale given above with respect to claim 1. While Lawrence teaches all the limitations of claims 1 Lawrence does not teach the following limitations; however Gliozzi teaches these features.

- a processor (**Gliozzi - col. 2, line 55**);

- a memory for storing a set of demands, the memory connected to the processor (**GlioSSI - col. 2, lines 55-56**);
- wherein the processor is configured (**GlioSSI – col.2, lines 60-63**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence the system hardware components by GlioSSI since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 30

Lawrence and GlioSSI teach the method of Claim 1, and GlioSSI further teaches comprising determining at least one configuration of the at least one space that satisfies the at least one set of past demands (**GlioSSI – col. 5, lines 30-42**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence comprising determining at least one configuration of the at least one space that satisfies the at least one set of past demands as taught by GlioSSI since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

16. **Claims 6 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al (A Taxonomy and Research Overview of Perishable – Asset

Revenue Management: Yield Management, Overbooking and Pricing, 1992) in view of Gliozzi et al. (US Patent 7,430,518 B2) as applied above and in further view of Menninger (2003/0009386 A1).

Claim 6

Lawrence teaches all the limitations of claim 1 and further teaches, “**the obvious advantage to repeated applications is that actual bookings are used to reduce the uncertainty in the forecast of expected demand**” see Lawrence p. 842; however is neither Lawrence nor Gliozzi teaches further comprising comparing at least one actual total yield to the at least one potential optimum yield.

Official Notice is taken that it is an old and well known business practice to compare at least one planned or at least one potential yield to the actual yield as evidenced in Menninger (**Menninger – par 0291, “comparing actual sales to forecasts”**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence and Gliozzi the comparing actual total yield to the potential optimum yield as taught by the old and well known business practice since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 13

Lawrence teaches all the limitations of claim 5 and as well as **the Brumelle et al equation, see Lawrence p.840**; and Gliozzi teaches total capacity based on constraints, **see Gliozzi col. 3, lines 22-29**; however, both are silent on determining at least one total transient upgrade constraint that comprises a total number of individual spaces where at least one upgrade was assigned.

Official Notice is taken that summarizing the total number of spaces sold at a pricing level was old and well known in the art at the time the invention was made as evidenced by Menninger (**Menninger – par. 339, “a total cost can be calculated based on the first cost parameter and the second cost parameter in operation”**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence and Gliozzi the determining a total transient upgrade constraint that comprises a total number of individual spaces where an upgrade was assigned as taught by the old and well known business practice since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

17. **Claims 15, 17, 19, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al (A Taxonomy and Research Overview of Perishable – Asset Revenue Management: Yield Management, Overbooking and Pricing, 1992) in

view of Gliozzi et al. (US Patent 7,430,518 B2) as applied above and in further view of Bitran et al (An Application of yield management to the hotel industry considering multiple day stays, 1995).

Claim 15

Lawrence teaches all the limitations of claim 5 and further teaches space protection constraint that ensures that more individual space than available is not assigned (**Lawrence - Brumelle et al p. 839, second col.**); and Gliozzi teaches residual space i.e. unassigned space (**Gliozzi – col. 5, lines 6-62**) however both are silent on determining a function space than available is not assigned.

Official notices is taken that it would have been obvious to one of ordinary skill in the art to repeat the Brumelle equation in terms of the function space since Lawrence does not differentiate between room types in terms of example first class, coach, singles, doubles, ballrooms - as evidenced by Bitran (**Bitran p. 434 “condition is given by constraint . . . for each class of room”**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence and determining a function space than available is not assigned as taught by the old and well known business practice since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 17

Lawrence teaches all the limitations of claim 5 and further teaches **determining capacity before turning away customers; see Lawrence p.839, last par. first col.;** however Lawrence and Gliozzi are silent on determining at least one group space opportunity constraint that ensures that a group opportunity is fully satisfied before being accepted.

Official notices is taken that it would have been obvious to one of ordinary skill in the art to repeat the Brumelle equation in terms of the customer types i.e. single or groups as evidenced by Bitran (**Bitran p. 436 “multiple product case . . . and three classes of customers).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence and Gliozzi the determining a group space opportunity constraint that ensures that a group opportunity is fully satisfied before being accepted as taught by the old and well known business practice since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 19

Lawrence and Gliozzi teach all the limitations of claim 1, but does not teach determining at least one group yield constraint that incorporates individual space cost information and function space cost information for at least one group opportunity.

Bitran teaches in an analogous art determining at least one group yield constraint that incorporates individual space cost information and function space cost information for at least one group opportunity (**Bitran p.434 “the maximum number of customers that can be accepted in period k is bound by the number of request in that period”**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence and Gliozi the determining a group yield constraint that incorporates individual space cost information and function space cost information for a group opportunity as taught by the Bitran since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 27

Lawrence and Gliozi teaches all the limitations of claim 5 but does not teach wherein the bounds comprise:

- setting the amount of accepted transient individual spaces to greater than or equal to 0;
- setting the amount of assigned transient individual spaces to greater than or equal to 0;
- setting the amount of assigned group individual spaces and group function spaces to greater than or equal to 0;

- setting the value of group opportunities to greater than or equal to 0, and less than or equal to 1;
- setting the value of group function space greater than or equal to 0, and less than or equal to 1; or
- setting the value of space protection to greater than or equal to 0, and less than or equal to the amount of individual space available or
- any combination thereof.

Bitran teaches in an analogous art wherein the bounds comprise at least one step selected from the group consisting of:

- setting the amount of accepted transient individual spaces to greater than or equal to 0; (**Bitran p.434 see boundary conditions first par. first col. and p.435 step 2.1**)
- setting the amount of assigned transient individual spaces to greater than or equal to 0; (**Bitran see boundary conditions first par. first col. and p.435 step 2.1**)
- setting the amount of assigned group individual spaces and group function spaces to greater than or equal to 0; (**Bitran see boundary conditions first par. first col. and p.435 step 2.1**)
- setting the value of group opportunities to greater than or equal to 0, and less than or equal to 1; (**Bitran see boundary conditions first par. first col. and p.431 Problem MP(C)**)

- setting the value of group function space greater than or equal to 0, and less than or equal to 1; (**Bitran see boundary conditions first par. first col. and p.431**

Problem MP(C)) or

- setting the value of space protection to greater than or equal to 0, and less than or equal to the amount of individual space available. (**Bitran see boundary conditions first par. first col. and p.431 Problem MP(C)) or**
- any combination thereof(**Bitran see boundary conditions first par. first col. and p.431 Problem MP(C)).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence and Gliozzi the specific bonds requirements as taught by the Bitran since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

18. **Claim 21**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al (A Taxonomy and Research Overview of Perishable – Asset Revenue Management: Yield Management, Overbooking and Pricing, 1992) in view of Gliozzi et al. (US Patent 7,430,518 B2) as applied above and in further view of Takagi et al (US Patent 5,881,231)

Claim 21

Lawrence and Gliozi teach all the limitations of claim 1, but does not teach determining at least one function space constraint that ensures that at least one particular function space is not used more than once during a given time period.

Takagi teaches in an analogous art determining at least one function space constraint that ensures that at least one particular function space is not used more than once during a given time period. (**Takagi – col. 28, lines 43-45; “case where two or more schedules overlap at the same time zone, the double booking is detected.**

In such a case . . . one of the overlapping schedule is to be deleted”)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence Gliozi the determining a function space constraint that ensures that a particular function space is not used more than once during a given time period as taught by the Takagi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

19. **Claim 23 and 31,** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al (A Taxonomy and Research Overview of Perishable – Asset Revenue Management: Yield Management, Overbooking and Pricing, 1992) in view of Gliozi et al. (US Patent 7,430,518 B2) as applied above and in further view of Tromezynski et al (US Publication 2006/0010023 A1)

Claim 23

Lawrence and Gliozzi teach all the limitations of claim 1, and Gliozzi further teaches checking potential availability of weight and volume (**Gliozzi – col. 10, lines 57-67**) but neither teaches determining at least one assigned function space constraint that ensures that an assigned function space is at least as big as at least one requested function space.

Tromezynski teaches in an analogous art determining at least one assigned function space constraint that ensures that an assigned function space is at least as big at least one a requested function space (**Tromezynski – 0043 confirmed the availability of guest room and meeting space at the meeting planner's chosen venues**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence and Gliozzi the determining an assigned function space constraint that ensures that an assigned function space is at least as big as a requested function space as taught by the Tromezynski since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 31

Lawrence and Gliozzi teach all the limitations of claim 30; however neither teaches, wherein the at least one group function space is configured.

Tomezynski teaches in an analogous art the at least one group function space is configured (**Tomezynski – 0044 where defining the event is the same as configuring**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Lawrence and Gliozzi the at least one group function space is configured as taught by the Tomezynski since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boushy et al (US 6,993,494 B1) teaches hotel resources management. Bossert (US 2009/0292566 A1) teaches yield management of configurable space. Ginsburg et al (US 7,386,492 B2) teaches inventory and revenue maximization. Toh et al. (Hotel Room-Inventory Management, Aug. 2002).

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/Andre Boyce/
Primary Examiner, Art Unit 3623